



WEB COPY



TR.CMP.No.19 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B.BALAJI

TR.CMP.No.19 of 2025

and

CMP.No.565 of 2025

V.Kosal Raam

...Petitioner

Vs.

P.Abirami

...Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure to withdraw O.P.No.298 of 2021, pending in the file of Hon'ble Family Court, Chengalpattu and transfer it to the file of Hon'ble Subordinate Court, Poonamallee and conduct a joint trial with O.P.No.735 of 2021.

For Petitioner : Ms.R.Kanishca
for M/s. Nathan and Associates

For Respondent : No Appearance



TR.CMP.No.19 of 2025

WEB COPY

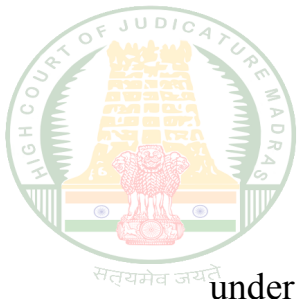
ORDER

The petitioner is the husband who has now come up with the present transfer petition seeking transfer of OP proceedings in O.P.No.298 of 2021 pending on the file of the Family Court, Chengalpattu to the file of the Subordinate Court, Poonamallee.

2. I have heard the learned counsel for the petitioner and I have also gone through the affidavit filed in support of this transfer petition.

3. Learned counsel for the petitioner fairly submits that the present transfer request is made only on the ground of having a joint trial along with O.P.No.735 of 2021 filed by the respondent/wife before the Subordinate Court, Poonamallee, in order to avoid multiplicity of proceedings and conflicting orders.

4. I find that O.P.No.298 of 2021 pending on the file of the Family Court, Chengalpattu has filed by the petitioner/husband, seeking divorce



TR.CMP.No.19 of 2025

WEB COPY

under Section 13(i)(ia) of the Hindu Marriage Act and the same has been during September 2021 and O.P.No.735 of 2021 pending on the file of the Subordinate Court, Poonamallee has been filed by the respondent/wife under Section 9 of the Hindu Marriage Act r/w. Section 7 of the Family Court Act seeking restitution of conjugal rights and the same has been filed during August 2021, clearly making it the earlier OP.

5. In any event, the petitioner only seeks transfer of OP proceedings in O.P.No.298 of 2021 initiated by him before the Family Court, Chengalpattu to the file of the Subordinate Court, Poonamallee, where the Section 9 petition filed by the respondent/wife is pending.

6. In view of the above and also considering the place of residence of the respondent/wife, I see no prejudice being caused to the respondent, who has not been served and notice was returned unclaimed, though sent to the registered address mentioned in the HMOP proceedings, if the present transfer petition is allowed.



TR.CMP.No.19 of 2025

WEB COPY

7. Accordingly, this Transfer Civil miscellaneous petition stands allowed and the case in O.P.No.298 of 2021 is withdrawn from the file of the Family Court, Chengalpattu and the same is transferred to the file of the Subordinate Court, Poonamallee to be tried along with O.P.No.735 of 2021. No costs. Consequently, the connected miscellaneous petition is closed.

06.08.2025

skt

Index : Yes / No
Speaking order : Yes / No
NCC : Yes / No

To

1. The Family Court,
Chengalpattu.

2. The Subordinate Court,
Poonamallee.

P.B. BALAJI, J.



WEB COPY



TR.CMP.No.19 of 2025

skt

TR.CMP.No.19 of 2025
and
CMP.No.565 of 2025

06.08.2025